

BEACON CYBERPORT,)	AGBCA No. 2002-102-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

July 30, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On October 3, 2001, the Board received a notice of appeal from Beacon Cyberport (identifying itself as the successor-in-interest to Miami Free Trade Zone Corporation) of Miami, Florida. Miami Free Trade (lessor) entered into a contract, Lease No. 57-6395-0-017, with the respondent, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) (Government). Beacon Cyberport seeks to recover what it describes as damages (lost rent totalling \$969,554.72) arising from a Government breach, an allegedly improper termination for default of the lease by the Government. An opinion of the Board denying cross-motions for summary relief provides details of the issues. Beacon Cyberport, AGBCA No. 2002-102-1, 03-1 BCA & 32,105.

On July 24, 2003, the Board convened a telephone conference with the parties. The parties indicated that the dispute has been resolved. Pursuant to the terms of the settlement agreement reached between the parties, they requested that the matter be dismissed with prejudice.

DECISION

In accordance with the request, the Board dismisses with prejudice this appeal.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
July 30, 2003